THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 26777 OF 2000

Dated: 28th November, 2005

Between:

Smt. Latchamma and another …Petitioners

A N D

1. The Collector, Medak District, Sangareddy

and Others

…Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 26777 OF 2000

O R D E R :

1. This writ petition has been filed by the petitioners who are two in number assailing Memo No. D1/5881/2000, dated 27-10-2000 issued by the District Collector, Medak-1st respondent.

2. The petitioners presented an application before the Mandal Revenue Officer for rectification of the entries in the revenue records. Their application came to be dismissed on 5-9-2000. Assailing the said order, the petitioners filed the revision before the District Collector. The District Collector issued Memo No.D1/5881/2000, dated 27-10-2000 directing the petitioners to file an appeal before the Revenue Divisional Officer,Sanga Reddy.

3. Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

4. Learned counsel for the petitioners submits that the District Collector has revisional powers under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (hereafter referred to as 'the Act' for brevity) and therefore, the Memo issued by him is liable to be set aside and he is to be directed to dispose of the revision in accordance with the provisions of law.

5. Apparently the petitioners filed application before the Mandal Revenue Officer for amending the entries in the revenue records. It can be construed as an application filed under Section 4 of the A.P. Rights in Land and Pattadar Pass-Books Act, 1971. Thereupon the recording authority has to conduct enquiry and pass order under Section 5 of the Act. An order passed under Section 5 can be challenged by any aggrieved party by filing an appeal as contemplated under Section 5-B of the Act. Since the statutory remedy of appeal is available against the order passed by the Mandal Revenue Officer, the District Collector is justified in directing the petitioners to exhaust the remedy of the appeal.

6. In that view of the matter, I do not see any flaw in the order passed by the District Collector.

7. In the result, the writ petition is disposed of directing the petitioners to avail the remedy of appeal available under Section 5-A of the Act within 15 days from today and thereupon the Revenue Divisional Officer-2nd respondent shall dispose of the appeal as expeditiously as possible, preferably within four weeks. No order as to costs.

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Justice B.Seshasayana Reddy

28th November, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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